

SIXTY-FOURTH DAY
(Thursday, May 1, 1975)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Clower and McKnight.

A quorum was announced present.

The Reverend Dr. J. A. Piper, New Light Ebenezer Baptist Church, Austin, Texas, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator McKnight was granted leave of absence for today on account of illness on motion of Senator Moore.

Senator Clower was granted leave of absence for today on account of important business on motion of Senator Mauzy.

REPORTS OF STANDING COMMITTEES

Senator Aikin submitted the following reports for the Committee on Finance:

H.B. 2207

H.B. 605

Senator Sherman submitted the following reports for the Committee on Natural Resources:

H.B. 1598

S.B. 803

H.B. 292 (Amended)

H.C.R. 107

H.B. 1137

H.B. 517

H.B. 1356

S.B. 1028 (Amended)

C.S.S.B. 621 (Read first time)

Senator Snelson submitted the following reports for the Committee on Intergovernmental Relations:

C.S.S.B. 908 (Read first time)
S.B. 958
H.B. 602
S.B. 1064
S.B. 839
S.B. 775
S.B. 1018
S.B. 1031

Senator Creighton submitted the following reports for the Committee on Economic Development:

C.S.S.B. 1015 (Read first time)
C.S.S.B. 880 (Read first time)
S.B. 871 (Amended)
S.B. 842
S.B. 808 (Amended)
C.S.S.B. 635 (Read first time)
H.B. 1837
H.B. 727
S.B. 905 (Amended)

Senator Schwartz submitted the following reports for the Committee on Jurisprudence:

S.B. 1071
S.B. 580
S.B. 1074
S.B. 1052
C.S.S.B. 119 (Read first time)
H.B. 1569
S.B. 675 (Amended)
C.S.H.B. 159 (Read first time)

SENATE BILLS AND RESOLUTION ON FIRST READING

By unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

By Senator Hance:

S.B. 1078, A bill to be entitled An Act relating to the payment of group life and health insurance policies for retirees of certain state-supported institutions of higher education; amending Chapter 3, Insurance Code, by adding Article 3.51-6; and declaring an emergency.

To Committee on State Affairs.

By Senator Longoria:

S.B. 1079, A bill to be entitled An Act relating to authority of Hidalgo County to regulate construction, land development, and subdivisions in unincorporated areas; providing penalties; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator McKinnon:

S.C.R. 61, Providing for creation of Joint Interim Committee to study feasibility and desirability of establishing a University of South Texas System composed of Texas

A&I and Pan American Universities.
To Committee on Administration.

SENATE CONCURRENT RESOLUTION 59

Senator Harrington offered the following resolution:

S.C.R. 59, Expressing appreciation to Angus L. McDonald for his dedicated service to the State of Texas.

WHEREAS, In the retirement of Angus L. McDonald, from the State Board of Insurance, the State of Texas has lost one of its most dedicated public servants; and

WHEREAS, A native of Port Arthur, Texas, Angus L. McDonald entered the insurance business in 1938 with Steel-Salter, local agents in Port Arthur, Texas. During the latter part of 1939, he joined the then, Board of Insurance Commissioners as a rater in the Automobile Department and successively was promoted to the positions of Chief Inspector, Unit Statistical Supervisor, Assistant Chief Rater of the Automobile Department, Assistant Director and Chief Rater of the Automobile Department, Director of the Automobile Department, Assistant Casualty Actuary, and finally, Casualty Actuary; and

WHEREAS, Mr. McDonald was widely known with the insurance industry in Texas and also in all of the other 49 states; and

WHEREAS, He has dedicated his whole adult career to the betterment of insurance regulation in this state; and

WHEREAS, He had a tremendous drive and passion for work, never expecting more of others than he demanded of himself and dedicated his entire being to the principles of his actuarial profession, to the service of his community, state and nation; and

WHEREAS, He will be fondly remembered by a host of his contemporaries throughout this Nation for his outstanding contribution as a public servant; and

WHEREAS, It is the desire of the Senate to recognize the outstanding service of this distinguished Texan to his state; now, therefore, be it

RESOLVED, By the Senate of the State of Texas, the House of Representatives concurring, that it does hereby acknowledge its debt of gratitude for his service and extends to him and his family in his retirement its best wishes; that copies of this Resolution be sent to Mr. Angus L. McDonald by the Secretary of the Senate, under the Seal of the Senate; and that a page in the Journal be set aside for this Resolution.

The resolution was read.

On motion of Senator Harrington and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE CONCURRENT RESOLUTION 60

Senator Ogg offered the following resolution:

S.C.R. 60, Recalling **S.B. 165** from the Governor.

On motion of Senator Ogg and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz,

Sherman, Snelson, Traeger and Williams.

Nays: Patman.

Absent-excused: Clower and McKnight.

CO-AUTHOR OF SENATE BILL 910

On motion of Senator Ogg and by unanimous consent, Senator Harris will be shown as Co-author of **S.B. 910**.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Sub-Committee on Nominations.

Austin, Texas
May 1, 1975

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be District Attorney for the 69th Judicial District of Texas, Deaf Smith, Oldham, Moore, Hartley, Sherman and Dallam Counties until the next general election and until his successor shall be duly elected and qualified: The Honorable Barry Eugene Blackwell of Dalhart, Dallam County is replacing The Honorable Michael P. Metcalf of Dumas, Moore County who resigned.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

**VOTE ON FINAL PASSAGE OF
SENATE BILL 254 RECONSIDERED**

On motion of Senator Moore and by unanimous consent, the vote by which **S.B. 254** was finally passed was reconsidered.

Question - Shall **S.B. 254** be finally passed?

**VOTE ON FINAL PASSAGE OF
SENATE BILL 990 RECONSIDERED**

On motion of Senator Moore and by unanimous consent, the vote by which **S.B. 990** was finally passed was reconsidered.

Question - Shall **S.B. 990** be finally passed?

CONFERENCE COMMITTEE REPORT ON SENATE BILL 360 ADOPTED

Senator Aikin called from the President's Table the Conference Committee Report on **S.B. 360**. (The Conference Committee Report having been filed with the

Senate and read on yesterday.)

On motion of Senator Aikin, the Conference Committee Report was adopted by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Clower and McKnight.

HOUSE BILL 611 ON SECOND READING

The President laid before the Senate on its passage to third reading:

H.B. 611, A bill to be entitled An Act validating the consolidation of certain cities and the governmental proceedings of the consolidated cities, subject to certain conditions; and declaring an emergency. (The bill having been read second time and consideration postponed on April 25, 1975.)

The bill was passed to third reading.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 611 ON THIRD READING

Senator Schwartz moved that Senate Rule 68 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 611** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Snelson, Traeger and Williams.

Nays: Creighton, Mauzy and Sherman.

Absent-excused: Clower and McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote: Yeas 26, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Snelson, Traeger and Williams.

Nays: Creighton, Mauzy and Sherman.

Absent-excused: Clower and McKnight.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 1, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 55, Conforming changes in **S.J.R. 11** as necessitated by adoption by the voters of **S.J.R. 3**.

H.B. 2136, A bill to be entitled An Act relating to the admission of students to certain state-supported medical schools and to private medical schools who receive funds from the state or whose students receive funds from the state for providing medical education to Texas students who contract to engage in a general or family practice of medicine in sparsely populated cities or rural areas after licensing; amending Chapter 61, Subchapter D, Texas Education Code, by adding Section 61.096; amending Chapter 61, Subchapter E by adding Section 61.205; amending Chapter 65, Texas Education Code, by adding Section 65.41; amending Chapter 110, Texas Education Code, by adding Section 110.11; and declaring an emergency.

H.B. 556, A bill to be entitled An Act relating to appointment as Firemen's Pension Commissioner; amending Section 19, Chapter 125, Acts of the 45th Legislature, Regular Session, 1937 (Article 6243e, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 731, A bill to be entitled An Act relating to the transfer or sale of surplus and salvage equipment or material; amending Subsections (a)-(c), Section 6a, Salvage and Surplus Act of 1957, as amended (Article 666, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 341, A bill to be entitled An Act relating to the assignment of peace officer status to municipal park and recreation patrolmen and security officers and providing for financial assistance to the surviving spouse and minor children of such person; amending Article 2.12, Code of Criminal Procedure, 1965; amending Subdivision (2) of Subsection (a), Section 2, Chapter 86, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6228f, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 828, A bill to be entitled An Act prohibiting certain practices relating to insurance of real and personal property and providing certain exceptions; amending Article 21.48A, Insurance Code; providing a penalty; and declaring an emergency.

H.B. 1089, A bill to be entitled An Act relating to issuance of weather modification permits; amending Section 14.061 and adding Section 14.0641 to the Water Code; and declaring an emergency.

H.B. 16, A bill to be entitled An Act establishing the Mountain Creek State Park and providing for its development, operation, and maintenance; providing for acquisition of land and interests in land; and declaring an emergency.

H.B. 284, A bill to be entitled An Act relating to the elements and prosecution of certain sexual offenses; prohibiting the publishing of the identity of victims of sexual offenses in certain circumstances; amending Section 21.01, Penal Code, to define consent; amending Subsection (b), Section 21.02, Penal Code, relating to the issue of consent; amending Subsection (a), Section 21.03, Penal Code, relating to aggravated rape; amending Subsection (b), Section 21.04, Penal Code relating to consent; amending Subsection (a), Section 21.05, Penal Code, relating to aggravated sexual abuse; amending Article 12.01, Code of Criminal Procedure, 1965, as amended, relating to the time that indictments for sexual offenses may be presented; adding a Section 21.13, Penal Code, relating to the evidence of previous sexual conduct of the victim; adding an Article 38.07, Code of Criminal Procedure, 1965, relating to testimony in corroboration of victim; adding Articles 36.025 and 16.055, Code of Criminal Procedure, 1965, relating to the exclusion of bystanders in certain hearings; adding a Chapter 49, Penal Code, relating to the publishing of the identity of victims of sexual offenses; adding an Article 1914a, Revised Civil Statutes of Texas, 1925, authorizing publication of the identity of a victim of sexual offenses; providing penalties; and declaring an emergency.

H.B. 810, A bill to be entitled An Act relating to the escheat of dormant deposits and inactive accounts in certain depositories; amending Sections 4, Chapter 3, Acts of the 57th Legislature, 3rd Called Session, 1962 (Article 3272b, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 688, A bill to be entitled An Act relating to financial assistance programs enabling certain students to attend certain postsecondary educational institutions in Texas; adding Chapter 56 to Title 3, Subtitle A, Vernon's Texas Codes Annotated, Education Code (V.T.C.A.); repealing Subsection (m) of Section 54.051, V.T.C.A.; repealing Subchapter C, Chapter 54, V.T.C.A.; repealing Section 54.202, V.T.C.A.; repealing Section 54.206, V.T.C.A.; repealing Section 54.207, V.T.C.A.; and declaring an emergency.

H.B. 1134, A bill to be entitled An Act amending Section 63, Texas Election Code, as amended (Article 6.07, Vernon's Texas Election Code), to permit the legislature to number proposed constitutional amendments revising one or more articles of the Constitution in the order that the propositions are to appear on the official ballot; and declaring an emergency.

H.B. 637, A bill to be entitled An Act relating to functions, duties, and powers of the State Tax Board; eliminating the Legislative Property Tax Committee; providing for transfer of property of the Legislative Property Tax Committee to the State Tax Board; amending Article 7100, Revised Civil Statutes of Texas, 1925, as amended; adding Articles 7103 and 7104 to the Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

H.B. 392, A bill to be entitled An Act relating to the fees allowed to sheriffs and constables by amending Article 3933a, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

H.B. 4, A bill to be entitled An Act regulating campaign contributions and expenditures and political advertising in behalf of or in opposition to candidates for nomination or election to public offices or in behalf of or in opposition to measures

submitted to the voters; containing both civil and criminal penalties for violations; creating the State Elections Commission; repealing Section 239, Texas Election Code, as amended (Article 14.03, Vernon's Texas Election Code); amending Section 237, Texas Election Code, as amended (Article 14.01, Vernon's Texas Election Code), Section 238, Texas Election Code, as amended (Article 14.02, Vernon's Texas Election Code), and Sections 240 through 250, Texas Election Code, as amended (Articles 14.04 through 14.14, Vernon's Texas Election Code); and enacting new Sections 245a, 248a, 248b, 248c and 248d, Texas Election Code; providing for severability; and declaring an emergency.

S.B. 90, A bill to be entitled An Act relating to the Employees Retirement System of Texas; amending Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes), as follows: amending Subsection D, Section 3, providing for termination of membership; amending Subdivision 2, Subsection A, Section 5, providing for continuing membership with retirement eligibility after a certain period of service; amending Subdivision 1, Subsection E, Section 5, providing for refund of contributions; amending Subdivision 4, Subsection E, Section 5, providing for forfeiture of inactive accounts; amending Subsection B, Section 7, providing for transfer of interest to various system funds; amending Paragraph (c), Subdivision 1, Subsection A, Section 8, providing for computation and crediting of interest to member accounts; amending Subdivision 4, Subsection A, Section 8, providing for an interest fund; adding a Subsection C to Section 9, to provide for lump sum payments on retirement for certain accumulated leave; and declaring an emergency. (With amendment)

S.B. 180, A bill to be entitled An Act relating to the creation, certification, and operation of health maintenance organizations, as defined in this Act; providing a penalty; and declaring an emergency. (With amendment)

S.B. 427, A bill to be entitled An Act relating to the powers of telephone cooperatives; amending Section 4, Telephone Cooperative Act, as amended (Article 1528c, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 426, A bill to be entitled An Act relating to the terms of office of directors of telephone cooperatives; amending Subsection (c), Section 14, Telephone Cooperative Act (Article 1528c, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 300, A bill to be entitled An Act relating to the establishment of a permanent voter registration system; amending requirements for information on voter registration applications; providing for biennial issuance of voter registration certificates to all permanently registered voters; authorizing the secretary of state to provide a service program to assist registrars; providing authority for the county registrar of voters to determine the ineligibility of disqualified registrants; amending time limitations for transfer of voter registration in change of residency from precinct to precinct within a county and in change of name requests; amending provisions relating to state reimbursement of funds to the county for the conduction of voter registration; providing for the stamping of party primary vote connotation on the voter registration certificate; authorizing the secretary of state to expend unused funds previously appropriated; amending the Vernon's Texas Election Code as follows: adding a new Article 5.15b; amending Article 5.11a; Article 5.13b; Subdivision 2, Article 5.14a; Article 5.15a; Subdivision 1, Article 5.16a; Subdivisions 2, 4, and 5 of Article 5.18a; Article 5.18b; Article 5.18d; Article 5.19a; Subdivisions 1 and 2 of Article 5.19b; and Sections 4 and 5 of Article 13.01a; providing for an effective date; and declaring an emergency. (With amendments)

S.B. 595, A bill to be entitled An Act amending the Texas Seed Law, as amended (Article 93b, Vernon's Texas Civil Statutes), as follows: amending Section 2, relating to definitions of terms used in the Act; amending Section 3, relating to label requirements for seed; amending Section 3a, relating to treated seed; amending Subsection (a), Section 4, relating to prohibited acts; amending Section 5, relating to exemptions from requirements of the Act; amending Section 6, relating to powers and duties of the commissioner of agriculture; amending Section 7, relating to inspection fees; adding a Section 7A, relating to vegetable seed licenses; providing penalties; and declaring an emergency. (With amendment)

S.B. 310, A bill to be entitled An Act relating to the authority of the Texas State Board of Medical Examiners to extend the expiration date of a temporary license; amending Chapter 6, Title 71, Revised Civil Statutes of Texas, 1925, as amended, by adding a new article to be designated Article 4511c; and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

HOUSE BILL 42 ON SECOND READING

The President laid before the Senate on its second reading and passage to third reading:

H.B. 42, A bill to be entitled An Act relating to authorizing and regulating group marketing of motor vehicle insurance; amending Chapter 21, Texas Insurance Code, by adding Article 21.76; and declaring an emergency.

The bill was read second time and was passed to third reading by the following vote: Yeas 17, Nays 12.

Yeas: Braecklein, Brooks, Doggett, Gammage, Hance, Harrington, Kothmann, Longoria, Mauzy, McKinnon, Meier, Ogg, Patman, Santiesteban, Schwartz, Sherman and Williams.

Nays: Adams, Aikin, Andujar, Creighton, Farabee, Harris, Jones, Lombardino, Mengden, Moore, Snelson and Traeger.

Absent-excused: Clower and McKnight.

HOUSE BILL 306 POSTPONED

On motion of Senator Andujar and by unanimous consent, consideration of **H.B. 306** was postponed until Wednesday, May 7, 1975.

HOUSE BILL 340 POSTPONED

On motion of Senator Andujar and by unanimous consent, consideration of **H.B. 340** was postponed until Wednesday, May 7, 1975.

HOUSE BILL 364 ON SECOND READING

The President laid before the Senate on its second reading and passage to third reading:

H.B. 364, A bill to be entitled An Act relating to refund of overcharge of motor vehicle registration fees; adding Section 5f to Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-1, et seq., Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 364 ON THIRD READING

Senator Creighton moved that Senate Rule 68 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 364** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Clower and McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed.

HOUSE BILL 1294 ON SECOND READING

The President laid before the Senate on its second reading and passage to third reading:

H.B. 1294, A bill to be entitled An Act relating to the compensation of the Criminal District Attorney of Eastland County; amending Section 7, Chapter 738, Acts of the 62nd Legislature, Regular Session, 1971 (Article 326k-68, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 1294 ON THIRD READING

Senator Creighton moved that Senate Rule 68 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 1294** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Clower and McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed.

BILLS AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

H.B. 532
H.B. 627
H.C.R. 90
S.B. 243
S.B. 278

HOUSE BILL 522 ON SECOND READING

The President laid before the Senate on its second reading and passage to third reading:

H.B. 522, A bill to be entitled An Act relating to authorizing the Board of Regents of the University of Texas System to negotiate and contract with any individual or any agency, department, or political subdivision of the State of Texas for the construction, maintenance, and operation of a visitor center and related facilities at McDonald Observatory at Mount Locke; amending Chapter 67, Texas Education Code, by adding Section 67.53; and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 522 ON THIRD READING

Senator Snelson moved that Senate Rule 68 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 522** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Clower and McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Clower and McKnight.

COMMITTEE SUBSTITUTE HOUSE BILL 82 ON SECOND READING

The President laid before the Senate on its second reading and passage to third reading:

C.S.H.B. 82, A bill to be entitled An Act relating to disclosure of privileged information by a minister, priest, rabbi, or Christian Science practitioner in certain court proceedings; amending Section 1, Chapter 435, Acts of the 60th Legislature, Regular Session, 1967 (Article 3715a, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time.

Senator Mengden offered the following amendment to the bill:

Amend **C.S.H.B. 82** by striking all of Section 2 and inserting the following in lieu thereof:

"Section 2. The provisions of Section 1 of this Act shall not apply:

"(a) in a criminal proceeding;

"(b) in an action between parties to the communication in question;

"(c) in an action to contest the will of a communicant;

"(d) in an action to declare the communicant mentally incompetent; or

"(e) in any other situation where such disclosure is necessary for a proper administration of justice in the opinion of the presiding judge in a trial."

The amendment was read and failed of adoption by the following vote: Yeas 11, Nays 18.

Yeas: Andujar, Brooks, Creighton, Hance, Jones, McKinnon, Mengden, Moore, Ogg, Snelson and Traeger.

Nays: Adams, Aikin, Braecklein, Doggett, Farabee, Gammage, Harrington, Harris, Kothmann, Lombardino, Longoria, Mauzy, Meier, Patman, Santiesteban, Schwartz, Sherman and Williams.

Absent-excused: Clower and McKnight.

Senator Mengden offered the following amendment to the bill:

Amend **C.S.H.B. 82** by adding Subsection (e) to Section 2 to read as follows:

"(e) In any other situation where such disclosure is necessary for a proper administration of justice in the opinion of the presiding judge in a trial."

The amendment was read.

Question - Shall the amendment be adopted?

EXECUTIVE SESSION

The President announced that the time had arrived for an Executive Session of the Senate. (Senator McKinnon having given notice on yesterday.)

Senator Mauzy moved that Senate Rule 41 be suspended in order to consider nominations scheduled for today in open session.

The motion was lost by the following vote: Yeas 11, Nays 18.

Yeas: Aikin, Braecklein, Brooks, Doggett, Gammage, Harrington, Longoria, Mauzy, Patman, Schwartz and Sherman.

Nays: Adams, Andujar, Creighton, Farabee, Hance, Harris, Jones, Kothmann, Lombardino, McKinnon, Meier, Mengden, Moore, Ogg, Santiesteban, Snelson, Traeger and Williams.

Absent-excused: Clower and McKnight.

Accordingly, the President at 11:58 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the President called the Senate to order As In Legislative Session at 12:12 o'clock p.m. today.

The President asked if there were motions to sever nominees.

On motion of Senator McKinnon and by unanimous consent, the appointment of Andrew L. Smith II to be a Member of the Polygraph Examiners Board was severed and was returned to the State Affairs Committee, Sub-Committee on Nominations.

Senator McKinnon moved confirmation of the remaining nominees reported by the Committee on State Affairs, Sub-Committee on Nominations and considered in Executive Session.

The following nominees were then confirmed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Clower and McKnight.

NOMINEES CONFIRMED

Members, Polygraph Examiners Board: For a six-year term to expire June 18, 1975: Mr. Hyden A. Albert of Austin, Travis County is replacing Mr. Henry L. Canty of Austin who resigned.

For a six-year term to expire June 18, 1979: Mr. Joe Gonzales of El Paso, El Paso County is replacing Mr. Bobby H. Musser of Houston whose term expired.

Member, Board of Pardons and Paroles: For a six-year term to expire February 1, 1981: Mrs. Selma Wells of Houston, Harris County is replacing Mr. William H. Skelton of Austin whose term expired.

Member and Chairman, Industrial Accident Board: For a six-year term to expire September 1, 1979: Mr. Cue Boykin of Midland, Midland County is replacing

Mr. Joe B. Roberts of Austin whose term expired.

Members, State Commission for the Blind: For a six-year term to expire January 1, 1979: Mr. Charles Sapp of Houston, Harris County is replacing Mr. Robert Day of Garland who resigned.

For a six-year term to expire January 1, 1981: Mr. Henry X. Salzberger of Dallas, Dallas County is being reappointed; Mr. John M. Turner of Dallas, Dallas County is being reappointed.

Members, Texas Civil Judicial Council: For a four-year term to expire January 1, 1979: The Honorable Frank G. McDonald of Waco, McLennan County is being reappointed; The Honorable Louis Holland of Montague, Montague County is being reappointed.

Members, Crime and Narcotics Advisory Commission: For a two-year term to expire January 31, 1977: Mr. Kenneth Decker of Austin, Travis County is being reappointed; Dr. Raymond A. Gardea of El Paso, El Paso County is replacing Dr. Bobby G. Smith of Arlington whose term expired.

Members, State Commission for the Deaf: For a six-year term to expire January 31, 1981: Dr. Audrey Wayne Kelton of Port Lavaca, Calhoun County is being reappointed; Mrs. Shirley A. Pacetti of Houston, Harris County is being reappointed.

For a six-year term to expire January 31, 1977: Dr. Gerald E. Mann of Austin, Travis County is replacing Mr. Ralph H. White of Austin who resigned.

Members, Board of Regents of East Texas State University: For a six-year term to expire February 15, 1981: Mr. Houston H. Harte of San Antonio, Bexar County is being reappointed; Mr. Raymond M. Holliday of Houston, Harris County is being reappointed; Mr. Joe Zeppa of Tyler, Smith County is being reappointed.

Member, Texas Motor Vehicle Commission: For a six-year term to expire September 1, 1979: Mr. Erwin A. Elias of Waco, McLennan County is replacing Mr. William Lawrence, Jr. of Tyler who resigned.

Members, State Board of Pharmacy: For a six-year term to expire June 14, 1979: Mr. Sam Damron of Muleshoe, Bailey County is replacing Mr. John Fowler of Memphis whose term expired; Mr. Albert Hopkins of Houston, Harris County is replacing Mr. Eugene Wilson of Dallas whose term expired.

For a six-year term to expire June 14, 1975: Mr. Doyle Harrell of Fort Worth, Tarrant County is replacing Mr. Ed Minor of Austin who resigned.

Member, State Board of Examiners of Psychologists: For a six-year term to expire October 31, 1975: Dr. James Ray Hays of Bellaire, Harris County is replacing Dr. Carl F. Hereford of Austin who resigned.

Member, State Board of Vocational Nurse Examiners: For a six-year term to expire September 6, 1979: Mrs. Winnie O. Warhol of Marlin, Falls County is replacing Mrs. Melba Jo Thomas of Naples whose term expired.

Member, Advisory Council on Youth Camp Safety: For a two-year term to expire December 1, 1975: Mr. Raymond B. Bean of Dallas, Dallas County who is appointed pursuant to House Bill 115, 63rd Legislature, Regular Session.

District Judge of the 69th Judicial District of Texas, Deaf Smith, Oldham, Moore, Hartley, Sherman and Dallam Counties until the next general election and until his successor shall be duly elected and qualified: The Honorable Michael P. Metcalf of Dumas, Moore County is replacing Judge Archie S. McDonald of Dumas who is deceased.

District Judge of the 214th Judicial District of Texas, Nueces County until the next general election in 1976 and until his successor shall be duly elected and qualified: Mr. Norman L. Utter of Corpus Christi, Nueces County is being appointed pursuant to Senate Bill 52, 63rd Legislature, Regular Session.

District Attorney for the 159th Judicial District of Texas, Angelina County until the next general election in 1976 and until his successor shall be duly elected and qualified: Mr. Gerald Alton Goodwin of Lufkin, Angelina County is replacing Mr. John Hannah of Lufkin who resigned.

District Attorney of the 79th Judicial District of Texas, Jim Wells and Brooks Counties until the next general election in 1976 and until his successor shall be duly elected and qualified: Mr. John C. Mullen of Alice, Jim Wells County is replacing Mr. F. B. Lloyd, Jr. of Alice who resigned.

District Judge of the 213th Judicial District of Texas, Tarrant County until the next general election in 1976 and until his successor shall be duly elected and qualified: Mr. Tom Cave of Hurst, Tarrant County is being appointed pursuant to Senate Bill 52, 63rd Legislature, Regular Session.

District Judge of the 96th Judicial District of Texas, Tarrant County until the next general election in 1976 and until his successor shall be duly elected and qualified: Mr. Hal M. Lattimore of Fort Worth, Tarrant County is replacing Judge Joe Spurlock of Fort Worth who resigned.

District Judge of the 119th Judicial District of Texas, Runnels, Tom Green and Concho Counties until the next general election in 1976 and until his successor shall be duly elected and qualified: Mr. Curt F. Steib of San Angelo, Tom Green County is replacing Judge Glenn R. Lewis of San Angelo who resigned.

HOUSE BILL 82 ON SECOND READING

The President laid before the Senate as unfinished business with an amendment pending.

Question - Shall the amendment be adopted?

HOUSE BILL 82 POSTPONED

On motion of Senator Mauzy and by unanimous consent, consideration of **H.B. 82** was postponed until Wednesday, May 7, 1975.

HOUSE BILL 2207 ORDERED NOT PRINTED

On motion of Senator Aikin and by unanimous consent **H.B. 2207** was ordered not printed.

HOUSE BILL 2207 ON SECOND READING

On motion of Senator Adams and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2207, A bill to be entitled An Act making an appropriation to the House of Representatives and authorizing certain transfers; and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 2207 ON THIRD READING

Senator Adams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 2207** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Clower and McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Clower and McKnight.

**ADMINISTRATION COMMITTEE GRANTED
PERMISSION TO MEET WHILE SENATE IN SESSION**

On motion of Senator Adams and by unanimous consent, the Committee on Administration was granted permission to meet while the Senate was in session.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 1, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 129, Requesting the Governor to return H.B. 409 to the House of Representatives.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committees indicated:

H.B. 637, To Committee on State Affairs.
H.B. 688, To Committee on Education.
H.B. 4, To Committee on State Affairs.
H.B. 392, To Committee on Intergovernmental Relations
H.B. 1134, To Committee on Texas Constitution.
H.B. 1089, To Committee on Natural Resources.
H.B. 810, To Committee on Economic Development.
H.B. 828, To Committee on Economic Development.
H.B. 341, To Committee on State Affairs.
H.B. 556, To Committee on State Affairs.
H.B. 2136, To Committee on Education.
H.B. 284, To Committee on Jurisprudence.
H.B. 731, To Committee on State Affairs.

RECESS

On motion of Senator Aikin the Senate at 12:36 o'clock p.m. took recess subject to Call of the Chair.

AFTER RECESS

The President called the Senate to order at 2:25 o'clock p.m., pursuant to Recess.

BILL SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill:

H.B. 2207

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Friday, May 2, 1975

S.C.R. 30 - Senator Mauzy
C.S.S.B. 42 - Senator Mauzy
C.S.S.B. 69 - Senator Moore
S.B. 96 - Senator Ogg
C.S.S.B. 109 - Senator Mauzy
C.S.S.B. 110 - Senator Mauzy

S.B. 122 - Senator Meier
C.S.S.B. 163 - Senator Ogg
S.B. 196 - Senator Santiesteban
S.B. 199 - Senator Clower
S.B. 200 - Senator Clower
S.B. 237 - Senator Harris
C.S.S.B. 244 - Senator Ogg (Third reading)
C.S.S.B. 250 - Senator Mauzy
S.B. 254 - Senator Mauzy
S.B. 257 - Senator Mauzy
C.S.S.B. 270 - Senator Doggett
C.S.S.B. 293 - Senator Mauzy
C.S.S.B. 386 - Senator Schwartz (Third reading)
C.S.S.B. 394 - Senator Braecklein
C.S.S.B. 397 - Senator Doggett
S.B. 407 - Senator Doggett
S.B. 423 - Senator Harris
S.B. 467 - Senator Harris
C.S.S.B. 468 - Senator Harris
C.S.S.B. 491 - Senator Schwartz
S.B. 494 - Senator Clower
S.B. 495 - Senator Clower
S.B. 496 - Senator Mauzy (Third reading)
S.B. 502 - Senator Clower
S.B. 506 - Senator Clower
S.B. 520 - Senator Mauzy
S.B. 522 - Senator Santiesteban
C.S.S.B. 526 - Senator Harrington
S.B. 571 - Senator Ogg
S.B. 600 - Senator Gammage (Third reading)
S.B. 616 - Senator Jones
C.S.S.B. 650 - Senator Schwartz (Third reading)
S.B. 656 - Senator Andujar
S.B. 689 - Senator Gammage
C.S.S.B. 696 - Senator Santiesteban
C.S.S.B. 706 - Senator Mauzy
S.B. 708 - Senator Mauzy
S.B. 710 - Senator Mauzy (Third reading)
S.B. 719 - Senator Mauzy
S.B. 721 - Senator Doggett
S.B. 725 - Senator Patman
S.B. 734 - Senator Longoria
S.B. 763 - Senator Meier
S.B. 806 - Senator Schwartz
S.B. 808 - Senator Santiesteban
S.B. 835 - Senator Gammage
C.S.S.B. 863 - Senator Sherman
S.B. 867 - Senator Williams
S.B. 871 — Senator Doggett
S.B. 879 - Senator Patman
S.B. 899 - Senator Mauzy
S.B. 905 - Senator Ogg
C.S.S.B. 916 - Senator Harrington
C.S.S.B. 939 - Senator Mauzy
S.B. 943 - Senator Adams